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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,013	04/16/2004	Shadi Mere	10541-1991	9237
29074	7590	09/01/2005	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,013

Applicant(s)

MERE ET AL.

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/06/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits for RCE. Claims 1 - 23 are pending in the case and are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

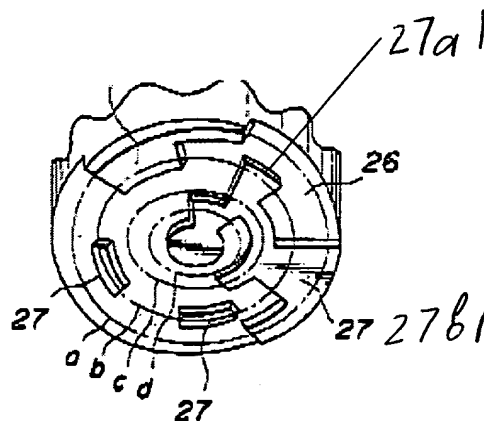
3. Claims 7 -14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Senoh [US 4,539,444].

Regarding Claims 7, 8, 10 and 19, Senoh discloses an adjustment assembly comprising:

- first and second contact members [16a, 16b; Figures 3, 6] having a contact portions [17a, 17b, 20a, 20b,];
- an adjustment member [25, Figure 4] having a plurality of troughs located between adjacent protrusions [27, between notches 26]. The peaks and valleys of protrusions and notches makes wave shape surface extending continuously along a circular path [Figures 3, 6];

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- the protrusions are configured to selectively engage the contact portion of the first and second contact members and induce electrical connection [Figures 4 - 7];
- wherein the troughs receive the first contact member when the first electrical connection is disconnected and receive a second contact member when the second electrical connection is disconnected [Figure 7];
- at least one of the first and second contact members is configured to bias the adjustment member towards an equilibrium position [contact member being resilient, it will return the adjustment member to an equilibrium position shown in Figure 4].



Regarding Claim 9, the adjacent peaks are located a first distance (distance between 27a1, 27b1 on the circles a, b - see figure above) and the first and second contacts are located a second distance (distance between contacts 16a, 16b, figure 3), the first distance being greater than the second distance.

Regarding Claims 11, the disclosed adjustment member [25] is a knob.

Regarding Claims 12-14, Senoh discloses the contact members each with a base portion [15, Figure 3], an arm portion pivoting about the base portion, a mating surface [top of 16 and 20] and the adjustment member having a mating surface [27], both cooperate to form a mating connection. Regarding Claims 16, the peaks and valleys of the adjustment member forms a sinusoidal function. Regarding Claim 17, the housing [11, Figure 3] serves as a bracket and is configured to receive the adjustment member.

Regarding Claims 20, the disclosed knob [25] of Senoh having a body portion, a first end portion [29], a second end portion [26, 27], and the second end portion having wave-shaped surface extending continuously along a circular path and having plurality of peaks and troughs and the peaks extends along the vertical axis away from the body portion.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh [US 4,539,444].

Regarding Claims 15 and 21 Senoh discloses a spherical projection for the first contact member. However, Senoh does not disclose spherical receptacle on the adjustment member. It would have been obvious matter of design choice for one of

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ordinary skill in the art to provide spherical receptacle on the adjustment of Senoh in order to precisely position the spherical projection of the contact member.

6. Claims 18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh [US 4,539,444] in view of Rose [US 4,551,587].

Senoh discloses all the limitation of claims 5, 18 and 22 and 23. However, does not disclose the adjustment member that includes a plurality of connection arms configured to form a snap-fit connection with the bracket. Rose [Figures 1-3] discloses bracket [1] having a plurality of connector arms [10] and the adjustment member having a mating surface together making snap-fit connection between them [Rose column 2, lines 10-15]. Though Rose discloses the connector arms on the bracket and mating surface on the adjustment member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connector arms on the adjustment member and mating surface on the bracket, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Allowable Subject Matter

7. Claims 1- 6 are allowed.

The prior art of record does not teach or suggest a plurality of generally equally spaced protrusions located along a generally circular continuous path, along with other elements recited in Claim 1.

Response to Arguments

8. Applicant's arguments filed 08/01/2005 have been fully considered but they are not persuasive with respect the Claims 7 – 23 (Claims 1- 6 are allowed).

The Examiner has withdrawn the rejection based on Dull et al. reference, hence the arguments related to Dull reference are moot.

The Applicant argued "Senoh fails to disclose an adjustment member having a second end defining a wave-shape surface extending continuously along a circular path and having a plurality of peaks." The Examiner respectfully disagrees. Senoh, in Figure 12, discloses an adjustment member having a second end defining a wave-shape surface extending continuously along a circular path (paths defined by circles a-d) and having a plurality of peaks [27]. The Applicant has also argued "even if the term "protrusion" in Claim 7 encompasses the surface 26 in Senoh, the portions of the surface 26 are not generally equally spaced from each other and along a generally circular path". The Examiner wishes to point out that Claim 7, does not require the protrusions to be "equally spaced."

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
August 22, 2005



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08/23/05